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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,042	11/08/2000	Stefaan Valere Albert Coussement	P4643	4522

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EXAMINER	
VU, THONG H	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/710,042	COUSSEMENT, STEFAAN VALERE ALBERT	
	Examiner	Art Unit	
	Thong H. Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 1-34 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

A. Claims 1-34 are rejected under the judicially created doctrine of double patenting over claim1-8 of U. S. Patent No. 6,389,007 B1 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

('007. Claim 1). An integrated router (IR) comprising:

a first link connecting the IR to a telephony switch for receiving and switching connection-oriented, switched telephony (COST) calls to connected telephones at agent stations;

a second direct link coupling the IR to a DNT processor capable of receiving and switching data network telephony (DNT) calls to network-connected DNT interface equipment at the agent stations;

an agent-status data repository for storing status and availability information of the agent stations; and

control routines directly **monitoring** and controlling both the telephony switch and the DNT processor, via the first and second links;

wherein the telephony switch and the DNT processor directly report incoming calls, whether COST or DNT, to the IR, and the IR directly controls the telephony switch (i.e.: information resource facilities) and the DNT processor to route calls to available agent stations under a single set of **routing rules** at least partially **based on agent status** and availability information received from the agent-status data repository.

(Application. Claim 1) A network-based system for enabling users of the system to obtain current agent-status Information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising:

a first server node connected to the information-source facility and to the network;

a second server node connected to the first server node and to the network, the first server node accessible to the second server node;

a network-capable appliance connected to the network, the second server node accessible to the network-capable appliance and

a software application distributed on at least the first and second server-nodes, the software application enabling distribution of the **agent status** information:

the user operating the network-capable appliance accesses the second server node, states the intent of the call **(i.e.: routing rules)** and requests the agent-status information, the agent-status information accessed from the first server node by the second server node, **based on the stated intent** and is delivered to the requesting user.

B. Claims 1-34 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 09/766,271. Although the conflicting claims are not identical, they are not patentably distinct from each other because -

('271.Claim 1). An application for enabling a client to interact with communication-center resources comprising:

an interactive client interface component operable by the client for posting client data and for receiving and displaying agent and interaction data from the communication center (i.e.: a network-capable appliance connected to the network, the second server node accessible to the network-capable appliance);

a brokering component (i.e.: software) for managing client and communication center data and communication; and

a status monitoring and reporting component for monitoring and reporting communication center and client status (i.e.: obtain current agent-status information related to agents of an information-source facility connected to the network);

characterized in that a client using the user interface is enabled to access and alter communication center data, and also to initiate live interaction with the communication center (i.e.: based on the stated intent).

(Aplplication. Claim 1). A network-based system for enabling users of the system to obtain current agent-status information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising:

a first server node connected to the information-source facility and to the network;

a second server node connected to the first server node and to the network, the first server node accessible to the second server node;

a network-capable appliance connected to the network, the second server node accessible to the network-capable appliance and

a software application distributed on at least the first and second server-nodes, the software application enabling distribution of the agent status information:

the user operating the network-capable appliance accesses the second server node, states the intent of the call and requests the agent-status information, the agent-status information accessed from the first server node by the second server node, based on the stated intent and is delivered to the requesting user.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as obvious over Voit et al [Voit, 6,137,869] in view of Reynolds et al [Reynolds, 5,452,350].

4. As per claim 1, Voit discloses a network-based system for enabling users of the system to obtain current agent-status Information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising:

a first server node connected to the information-source facility and to the network [Voit, a local database server, col 8 lines 1-20; database and its facilities, col 10 lines 17-30];

a second server node connected to the first server node and to the network, the first server node accessible to the second server node [Voit, second database servers, col 8 lines 1-20];

a network-capable appliance (i.e.: network devices) connected to the network, the second server node accessible to the network-capable appliance [Voit, INT, col 7 lines 35-55; Fig 1A; col 8 lines 21-55] and

a software application distributed on at least the first and second server-nodes, the software application enabling distribution of the agent status information [Voit, software application, col 17 lines 35-51 et seq.; status information, col 8 line 56-9 line 8]:

However Voit does not explicitly detail

the user operating the network-capable appliance accesses the second server node, states the intent of the call and requests the agent-status information (i.e.: agent planning), the agent-status information accessed from the first server node by the second server node, based on the stated intent and is delivered to the requesting user.

Reynolds discloses a network based processing system including an activity monitor wherein it provides the access to a subscriber network and database, collect and store agents status information and agent planning [Reynolds, col 7 lines 8-24].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the agent status information and agent planning or state of intent of the call as taught by Reynolds into the Voit's apparatus in order to utilize the information resource facilities or databases. Doing so would provide an enhance feature to system administrator to control and management ITN network via OpenView [Voit, co 16 lines 9-25].

5. As per claim 19, Voit-Reynolds disclose A method for enabling users connected to a network to obtain current agent-status information related to agents of an information-source facility connected to the network before initiating contact with the agent or agents of the information-source facility comprising the steps of:

(a) periodically compiling and preparing the agent-status information at the information-source facility;

(b) rendering the compiled agent-status information available in a network-connected server; and

(c) serving the agent-status information or a portion thereof to network-connected users over a network path upon request, based on a stated intent from the user.

6. As per claims 2,20 Voit-Reynolds disclose the network is a data packet-network [Voit, packet network, col 8 lines 21-28].

7. As per claims 3,21 Voit-Reynolds disclose the data-packet-network is the Internet network [Voit, Internet, col 8 lines 21-28].

8. As per claims 4,22 Voit-Reynolds disclose the information-source facility is a communication center marketing products and or service to the users.

9. As per claims 5,24 Voit-Reynolds disclose the agents are human resources employed by the communication.

10. As per claims 6,25 Voit-Reynolds disclose the agents are automated systems implemented at the communications center [Reynolds, center operating monitoring, col 5 liens 29-47].

11. As per claims 7,27 Voit-Reynolds disclose the agent-status information includes a description of the agent and or agents capabilities, the number of calls waiting in the agent's or agents' queue or queues, and an estimated time for response by the agent or agents [Voit, accounts status information, col 9 lines 1-8].

12. As per claims 8,28 Voit-Reynolds disclose the number of calls waiting information and the estimated time for response information is averaged over a group of agents as inherent features of delay operation [Voit, delay, 12 lines 3-12].

13. As per claims 9,29 Voit-Reynolds disclose a number of calls waiting information and the estimated time for response information is specific to a specific agent user [Voit, allowable call duration, col 9 line 54-col 10 line 1-4].

14. As per claims 10,30 Voit-Reynolds disclose the agent-status information delivered to the requesting user is specific to the request initiated by the user [Voit, status information, col 9 lines 1-8].

15. As per claims 11,31 Voit-Reynolds disclose the agent-status information automatically updates periodically during a user session [Reynolds, dynamically updated, col 5 line 49-60].

16. As per claims 12,32 Voit-Reynolds disclose the agent-status information is continually streamed to the requesting user during session [Voit, continuous stream, col 12 lines 22-28].

17. As per claim 13, Voit-Reynolds disclose the agent-status information is pulled from the first server node by the second server node according to the user's request [Voit, a local database server and second database server, col 8 lines 1-20].

18. As per claim 14, Voit-Reynolds disclose the agent-status information is pushed to the second server node by the first server node and is available to be pulled by the user [Voit, a local database server, second database server, Internet link, col 8 lines 1-28].

19. As per claims 15,34 Voit-Reynolds disclose the software application uses instant message technology in the transfer of agent-status information as inherent feature of software application.

20. As per claim 16, Voit-Reynolds disclose the software application uses streaming technology in the transfer of agent-status information as inherent feature of software application.

21. As per claim 17, Voit-Reynolds disclose the software application embeds the agent-status information into a Web page requested by the user [Voit, Internet link, col 8 lines 1-28].

22. As per claim 18, Voit-Reynolds disclose the functions of the first and second server nodes are implemented within a single server node connected to the call center,

the network, and accessible to the network-capable appliance [Voit, single physical entity, col 11 lines 55-60].

23. As per claim 26, Voit-Reynolds disclose the agent status information is compiled using agent monitoring software [Reynolds, application program, code, col 7 lines 24-35; col 9 lines 1-17].

24. As per claim 33, Voit-Reynolds disclose there are more than one server nodes in line on the network path, the server nodes hosted by the communication center [Voit, database servers, col 8 lines 1-20].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit 2142